

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

ALLISON COLLIER,)	
)	
Plaintiff,)	
)	
v.)	CIVIL ACTION NO. 2:07-cv-00922-
)	MHT-CSC
UNIVERSAL FIDELITY LP, et al.,)	
)	
Defendant.)	

**MOTION OF DEFENDANT HSBC BANK OF NEVADA, N.A. FOR ORDER
PERMITTING FILING OF RESPONSIVE PLEADING OUT OF TIME OR,
ALTERNATIVELY, EXTENDING TIME TO FILE A RESPONSIVE PLEADING**

COMES NOW, the Defendant HSBC Bank of Nevada, N.A. (hereinafter referred to as “HSBC”), and moves the Court for an Order permitting HSBC to file a responsive pleading on or before Wednesday, May 28, 2008. This motion is a motion to permit filing of a responsive pleading out of time or, alternatively, motion to extend time for filing responsive pleading.

In support of this motion, HSBC states as follows:

1. HSBC has this date engaged defense counsel to represent it in this matter, having only learned within the past 24 hours of the pendency of this lawsuit. Counsel requires some information in order to prepare a responsive pleading and is hampered in that regard by the Memorial Holiday weekend and absences from the office of key personnel at HSBC.

2. The undersigned states, on information and belief, that until yesterday, May 22, 2008, representatives of the law department at HSBC were unaware of the pendency of this action.

3. Plaintiff has filed an application for entry of default against HSBC, but according to the Court records as reflected in Pacer, no default has yet been entered.

4. The undersigned has attempted to confer with Plaintiff's counsel to seek leave to respond out of time, but counsel is unavailable due to the holiday weekend.

5. The undersigned counsel is as of yet unaware of whether service was properly made or whether there are other deficiencies in service and, prior to consultation with client in full, cannot yet contest the correctness of service.

6. The Complaint was amended on or about February 25, 2008, adding HSBC as a party for the first time. The earliest date on which service could arguably have been made, according to Court records, was March 3, 2008.

7. HSBC states that Plaintiff has not been or will not be prejudiced to an undue degree by the extension of time inasmuch as no discovery or other proceedings in the case have been undertaken.

s/John R. Chiles

John R. Chiles ASB-2874-L70J

Attorneys for Defendant
HSBC BANK NEVADA, N.A.

OF COUNSEL:

BURR & FORMAN LLP
420 North 20th Street, Suite 3400
Birmingham, Alabama 35203
Telephone: (205) 251-3000
Facsimile: (205) 458-5100

CERTIFICATE OF SERVICE

I hereby certify that I have served a copy of the foregoing document by Notice of Electronic Filing, or, if the party served does not participate in Notice of Electronic Filing, by U.S. First Class Mail, hand delivery, fax or email on this the 23rd day of May, 2008:

Keith Anderson Nelms
Anderson Nelms & Associates, LLC
847 South McDonough Street, Suite 100
Montgomery, Alabama 36104
EMAIL: andynelms@andersonnelms.com

Neil Dewitt Moore, III
Ferguson Frost & Dodson, LLP
2500 Acton Road
Suite 200
Birmingham, AL 35243
EMAIL: ndm@ffdlaw.com

s/John R. Chiles
Of Counsel